

SENATE BILL 300  
By Ford J

AN ACT to amend Tennessee Code Annotated, Title 4, Chapter 21, relative to Title VI of the Civil Rights Act of 1964 and the Civil Rights Restoration Act of 1987.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1.

(a) Tennessee Code Annotated, Section 4-21-901, is amended by deleting the third sentence and by substituting instead the following:

Each such state governmental entity shall submit annual Title VI compliance reports and implementation plan updates to the Tennessee Title VI compliance commission and to the department of audit, no later than June 30 each year.

(b) Tennessee Code Annotated, Section 4-21-901, is further amended by deleting from the fourth sentence the words "the department of audit shall publish a cumulative report" and by substituting instead the words "the department of audit and the Title VI compliance commission shall jointly publish a cumulative report".

SECTION 2. Tennessee Code Annotated, Title 4, Chapter 21, is amended by adding the following language as a new, appropriately designated part:

§ 4-21-1101.

(a) The Tennessee Title VI compliance commission ("the commission"), initially created and operating under the authority of executive order No. 34 issued on August 9, 2002, is hereby statutorily established as an entity of state government.

(b) The commission shall be governed by a board of directors ("board") consisting of thirteen (13) members, to be appointed as follows:

(1) Nine (9) members of the board shall be citizens, appointed by the governor, three (3) of whom shall reside in each grand division of the state;

(2) Two (2) members of the board shall be state senators, appointed by the speaker of the senate; and

(3) Two (2) members of the board shall be state representatives, appointed by the speaker of the house of representatives.

(c) State senators and representatives serving on the board shall be nonvoting members and shall serve two - year terms.

(d) Each of the nine (9) citizen members serving on the board shall be appointed for a term of six (6) years. A citizen member may be appointed to serve not more than two (2) consecutive six - year terms.

(e) The governor shall annually appoint one of the board members to serve as chairperson. A quorum of the board shall consist of six (6) members.

(f) Members of the board shall be appointed on a nonpartisan basis and shall reflect the state's racial and ethnic diversity. Therefore, the appointing authorities shall strive to ensure that at least three (3) of the members are African - Americans, at least one (1) member is sixty-five (65) years of age or older, and at least one (1) member is a woman.

(g) Board members shall, by virtue of their education and experience, collectively possess broad knowledge and expertise concerning matters of government, commerce, law, human rights, and ethics. No voting member of the board shall be an officer or employee of any agency or entity of federal, state, or local government. No member of the board shall be a subrecipient or an owner, officer, or employee of a subrecipient of federal funds transmitted through an entity of state government. No member of the board shall be a subcontractor or an owner, officer, or employee of a subcontractor of a subrecipient of federal funds transmitted through an entity of state government.

(h) If a vacancy occurs on the board, then a replacement shall be appointed as provided above, to serve the balance of the unexpired term.

(i) Voting members of the board shall receive no compensation but may be reimbursed for expenses in accordance with the provisions of the comprehensive travel regulations, as promulgated by the department of finance and administration and approved by the attorney general and reporter. Nonvoting members shall be reimbursed for expenses in accordance with the provisions of Section 3-1-106, as if attending legislative committee meetings.

(j) The commission shall be attached to the department of personnel for administration purposes and shall receive appropriate and adequate staff support from the department.

§ 4-21-1102. Each department, agency, and entity of state government shall cooperate fully with the Title VI compliance commission in the performance of the duties herein assigned to the commission and, to such end, shall respond promptly and accurately to commission requests for information, testimony, and production of documents and other evidence.

§ 4-21-1103. It shall be the duty of the Title VI compliance commission to:

(1) Review current Title VI monitoring and enforcement procedures as reflected by federal and state statutes, rules, regulations, programs, services, and budgetary priorities;

(2) Define and establish the components, guidelines, and objectives of a comprehensive state policy to ensure and promote present and future compliance with Title VI requirements;

(3) Identify any Tennessee laws, rules, programs, services, policies, and budgetary priorities which conflict with the components, guidelines, and objectives of such comprehensive state policy;

(4) Search for any interdepartmental gaps, inconsistencies, and inefficiencies in the implementation of such comprehensive state policy;

(5) Identify any new laws, rules, programs, services, and budgetary priorities which are needed to ensure and promote present and future compliance with the enforcement of Title VI;

(6) Serve as the central coordinating agency for the various state departments, agencies, and entities in order to provide technical assistance, consultation, and resources to encourage and assist compliance with the requirements of Title VI;

(7) Periodically and systematically audit, review, evaluate, and report on the Title VI compliance efforts and outcomes for each state department, agency, and entity;

(8) Conduct research, hold public hearings, publish reports, and engage in other activities to inform Tennesseans of the provisions and requirements of Title VI;

(9) Investigate allegations of noncompliance with Title VI;

(10) Report annually to the governor and the general assembly concerning the commission's activities, findings, and recommendations; and

(11) Engage in other activities to encourage, promote, and assist compliance with the requirements of Title VI.

SECTION 3. The provisions of this act shall not be construed or implemented in any way to abbreviate the term of office of any person, currently serving on the board of directors of the Tennessee Title VI compliance commission, who was appointed under executive order No. 34 prior to the effective date of this act. In all other respects, it is the legislative intent that this act shall supersede the provisions of executive order No. 34.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.